

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 16, 2000
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:00 a.m. Mayor Golding recessed the regular meeting at 10:11 a.m. to convene the Special Joint Council Meeting with the Redevelopment Agency and the Housing Authority thereafter. Mayor Golding reconvened the regular meeting at 10:15 a.m. with all members present. The meeting was recessed by Deputy Mayor Mathis at 12:12 p.m. to reconvene at 2:00 p.m.

Deputy Mayor Mathis reconvened the Special Joint Council Meeting with the Redevelopment Agency to meet simultaneously with the Redevelopment Agency at 2:07 p.m., with Mayor Golding not present. The regular meeting was reconvened by Deputy Mayor Mathis, at 3:21 p.m., with Mayor Golding not present. Deputy Mayor Mathis adjourned the meeting at 3:24 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Fishkin (pr/ew)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Dora Allison regarding the De Anza Community and stating that she is worried about her future, she is 84 years old, and the threat of eviction keeps her awake at night. Ms. Allison also expressed that a large Hotel would be a burden to the Mission Bay environment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A009-056.)

COUNCIL COMMENT:

NONE.

ITEM-201: Rancho Santa Fe Driving Range and Park.

(Continued from the meeting of April 11, 2000, Item 334, at the request of Mayor Golding and Deputy Mayor Mathis, due to lack of time.)

Matter of recommending approval, conditional approval or denial of the Rancho Santa Fe Driving Range and Park. This project proposes the construction and operation of a recreational facility consisting of a golf practice range, three 9 hole putting courses, a roller hockey facility and ancillary uses on a 26.9 acre site for a period of ten years. The project site is located at the southeast corner of Via de la Valle and El Camino Real, is zoned AR-1-1, Flood Plain Fringe, Hillside Review Overlay and is in the North City Future Urbanizing Area. The legal description of the property is a portion of Section 6, Township 14 South, Range 3 West, SBBM.

The Rancho Santa Fe Driving Range and Park project requires an amendment to Section 141.0618 of the Municipal Code to permit a youth sports facility on this property subject to the approval of a Conditional Use Permit. In conjunction with this amendment, a Conditional Use Permit and Resource Protection Ordinance Permit are being requested.

(CUP/RPO 96-7315. North City Future Urbanizing Area. District-1.)

NOTE: Hearing open for those who did not speak on 4/11/2000. Testimony taken on 4/11/2000. Those who already spoke on 4/11/2000 will not be allowed further comment. The following people spoke on 4/11/2000: Walter Bregmon, Barbara Madresh, David Herzer, Sally Duff, Larry Fuller, Louis Harris, Ann Gardner and Steve Tierney.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A; adopt the resolution in Subitem B to grant the permit; and introduce the ordinance in Subitem C:

Subitem-A: (R-2000-1123) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-7315 has been completed in compliance with the California Environmental Quality Act of 1970

and State guidelines, and that said Environmental Impact Report has been reviewed and considered by the Council and reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project;

Adopting the Findings and Statement of Overriding Consideration; and adopting the Mitigation, Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-1521) DENIED PERMIT, ADOPTED AS RESOLUTION
R-293130

Adoption of a Resolution granting or denying Conditional Use (CUP) and Resource Protection Ordinance (RPO) Permits No. 96-7315.

Subitem-C: (O-2000-160) NOTED AND FILED

Introduction of an Ordinance modifying Chapter XIV, Article 1, Division 6, Section 141.0618 of the San Diego Municipal Code to allow for a youth sports facility proposed on an interim basis, where currently such a use is not permitted, subject to the approval of a Conditional Use Permit.

OTHER RECOMMENDATIONS:

Planning Commission voted 4 - 0 to deny; was opposition.

Nays: Brown, Stryker, White, Steele

Abstaining: Anderson, Butler

Not present: Skorepa

The Planning Commission serves as the planning group for the Future Urbanizing Area (FUA) per Council Policy 600-5. Pursuant to the action taken by the Planning Commission on February 17, 2000, a recommendation of denial has been made.

SUPPORTING INFORMATION:

The Rancho Santa Fe Golf Range and Park proposes the amendment of the Municipal Code to permit "youth sports facilities" in agricultural zones in the Future Urbanizing Area and the

development of a youth sports facility encompassing a 60 tee driving range, three 9 hole putting courses, a roller hockey facility and associated improvements on a 23.9 - acre portion of a 26.9 acre site. The subject property is located at the southeast corner of the intersection of El Camino Real and Via de la Valle North City Future Urbanizing Area. On February 17, 2000, the Planning Commission considered this project. Following three hours of public testimony predominantly in opposition to the project, the Planning Commission voted 4 to 0, with two abstentions and one commissioner absent, to recommend to City Council the denial of all actions associated with this project. The City Manager recommends that City Council take the following actions:

1. CERTIFY that the information contained in LDR No. 96-7315 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that the Environmental Impact Report reflects the independent judgement of the City of San Diego as Lead Agency. Stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project.

2. APPROVE modification of Chapter XIV, Article 1, Division 6, Section 141.0618 of the Municipal Code to allow for a youth sports facility proposed on an interim basis, where currently such a use is not permitted, subject to the approval of a Conditional Use Permit.

3. APPROVE Conditional Use Permit (CUP) and Resource Protection Ordinance (RPO) Permit No. 96-7315.

FISCAL IMPACT: None.

Loveland/Christiansen/RWD

LEGAL DESCRIPTION:

The proposed project is located on the south side of Via de la Valle, immediately east of El Camino Real West, in the North City Future Urbanizing Area and as more particularly described as a portion of Section 6, Township 14 South, Range 3 West, SBBM. Zoning of the property is AR-1-1, Flood Plain Fringe, and Hillside Review.

FILE LOCATION: PERM 96-7315 (65)

COUNCIL ACTION: (Tape location: A114-222.)

Hearing began at 10:16 a.m. and halted at 10:28 a.m.

MOTION BY MATHIS TO APPROVE THE CITY MANAGER'S RECOMMENDATION. Second by Wear. Failed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-nay, Warden-yea, Stallings-nay, McCarty-yea, Vargas-nay, Mayor Golding-nay.

ITEM-310: Three actions related to Proclaiming National Public Works Week, National Historic Preservation Week and California Archaeology Month.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-1184) ADOPTED AS RESOLUTION R-293074

Proclaiming May 2000 as "California Archaeology Month" and encouraging all citizens to take the time to learn more about the archaeological history of our great state and ways we can help to protect and preserve this very important part of California.

Subitem-B: (R-2000-1185) ADOPTED AS RESOLUTION R-293075

Proclaiming May 14-20, 2000 as "National Historic Preservation Week" and calling upon the people of San Diego to join their fellow citizens across the United States in recognizing and participating in this special observance.

Subitem-C: (R-2000-1186) ADOPTED AS RESOLUTION R-293076

Proclaiming May 21-27, 2000 to be "National Public Works Week" in San Diego and calling upon all citizens and civic organizations to familiarize themselves with issues involved in providing public works and recognize the public works officials who each day contribute to health, safety, and quality of life.

FILE LOCATION: SUBITEMS A, B, & C: AGENDA

COUNCIL ACTION: (Tape location: A287-392.)

MOTION BY WEAR TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: South Village at Black Mountain Ranch.

Matter of an application for a Vesting Tentative Map, Rezone (from A-1-10 to CN, R-2000, and R-3000), Planned Commercial Development Permit, and Planned Residential Development Permit to construct 218 single-family homes, 42 affordable housing units, and 60,000 square -feet of neighborhood commercial uses. The project site is located adjacent to the proposed extension of Camino Ruiz between Carmel Valley Road and San Dieguito Road in the Black Mountain Ranch Subarea One Plan. TM 99-1161 (South Village at Black Mountain Ranch)

(VTM/RZ/PCD/PRD 99-1161. Black Mountain Ranch Subarea I Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the permit; adopt the resolution in subitem C to grant the map; and introduce the ordinance in subitem D:

Subitem-A: (R-2000-1248) ADOPTED AS RESOLUTION R-293131

Adoption of a Resolution certifying that the information contained in Addendum to Environmental Impact Report LDR-99-1161 (Addendum to EIR No. 96-7902) has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of South Village at Black Mountain Ranch ; and adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2001-348) GRANTED PERMIT, ADOPTED AS RESOLUTION R-293132

Adoption of a Resolution granting or denying Planned Commercial Development Permit/Planned Residential Development Permit No. 99-1161, with appropriate findings to support Council action.

Subitem-C: (R-2001-349) GRANTED MAP, ADOPTED AS RESOLUTION
R-293133

Adoption of a Resolution granting or denying the Vesting Tentative Map, (VTM) No. 99-1161, with appropriate findings to support Council action.

Subitem-D: (O-2000-170) INTRODUCED, TO BE ADOPTED ON MAY 30, 2000

Introduction of an Ordinance rezoning the subject property from A-1-1- to R-2000, R-3000, and CN.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to recommend approval of the City Manager's recommendation; no opposition.

Ayes: Brown, Anderson, Skorepa, Stryker, White

Abstaining: Steele

Not present: Butler

There is no officially recognized community planning group for the Black Mountain Ranch Subarea 1 planning area. On January 5, 2000, the Rancho de los Penasquitos Planning Board (adjacent community group) voted unanimously to recommend approval of South Village project.

SUPPORTING INFORMATION:

These actions are necessary for the development of the South Village project which includes 218 single-family homes, 42 affordable housing units, and 60,000 square-feet of neighborhood commercial uses on a 62-acre site. The design of the South Village is based on traditional town planning principles, and includes development standards that emphasize pedestrian activity and transit use. The project implements Transit Oriented Development Design Guidelines, and is consistent with the Black Mountain Ranch Subarea 1 plan.

Planning Commission Recommendation: On March 30, 2000, the Planning Commission voted unanimously (5-0) to recommend City Council approval of the South Village project.

Community Planning Group Recommendation: Currently, there is no planning group for the Black Mountain Ranch Subarea 1 planning area. On January 5, 2000, the Rancho de los Penasquitos Planning Board (adjacent community) voted unanimously to recommend approval of the South Village project.

Manager's Recommendation: Approve Vesting Tentative map, Rezone (from A-1-10 to CN, R-2000, and R-3000), Planned Commercial Development Permit, and Planned Residential Development Permit No. 99-1161. Certify Addendum (LDR No. 99-1161) to Environmental Impact Report No. 96-7902.

FISCAL IMPACT:

None. A deposit has been collected from the applicant to cover all costs associated with processing this proposed project.

LEGAL DESCRIPTION:

The proposed 61.88 acre, mixed-use residential and commercial center site is located in the southwest portion of Black Mountain Ranch, east of the future extension of Camino Ruiz within the Black Mountain Ranch Subarea 1 Planning Area and is more particularly described as Parcel Nos. 2 & 5 of Parcel Map No. 17996.

FILE LOCATION: SUBITEMS A, B, & C: PERM 99-1161 (65)
SUBITEM D: NONE

COUNCIL ACTION: (Tape location: A056-100.)

Hearing began at 10:03 a.m. and halted at 10:10 a.m.

CONSENT MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE, AND
TO ADOPT THE RESOLUTIONS GRANTING THE MAP AND THE PERMIT.

Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: Serra Mesa Open Space Project.

Matter of a proposed amendment to the Serra Mesa Community Plan, amendment to the Progress Guide and General Plan, and rezonings affecting open space, residential, and the Sharp Hospital/Children's Hospital Medical Complex Area. The purpose of the amendments and rezonings is to update open space policies and regulations, adjust land use designations within and adjacent to open space, rezoning the Sharp Hospital and Children's Hospital Medical Complex Area to reflect the land use, and update population and acreage numbers and other existing conditions data to current (1999) conditions within the Serra Mesa Community Planning area.

(98-0794. Serra Mesa Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem B to amend the Serra Mesa community plan; and introduce the ordinances in subitem C and D:

Subitem-A: (R-2000-909) ADOPTED AS RESOLUTION R-293134

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR-98-0554 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, that the said declaration reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the plan amendments to the Serra Mesa Community Plan; and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-908) ADOPTED AS RESOLUTION R-293135

Adoption of a Resolution approving amendments to the Serra Mesa Community Plan;

Approving an amendment to the Progress Guide and General Plan; and

Finding that this plan update is consistent with the City adopted Regional Growth Management Strategy, and directs the City Clerk to transmit a copy of this resolution to SANDAG in its capacity as the Regional Planning and Growth Management Review Board.

Subitem-C: (O-2000-133) INTRODUCED, TO BE ADOPTED ON MAY 30, 2000

Introduction of an Ordinance rezoning various properties located within the Serra Mesa Community Plan Area and repealing all ordinances of the City of San Diego insofar as they conflict with the rezoned land uses.

Subitem-D: (O-2000-134) INTRODUCED, TO BE ADOPTED ON MAY 30, 2000

Introduction of an Ordinance rezoning 62 acres located in the Serra Mesa Community Plan Area; and

Repealing Ordinance No. 3729 (New Series), adopted May 4, 1948.

OTHER RECOMMENDATIONS:

Planning Commission voted 7-0 to approve staff's recommendation as outlined in the Staff Report; was opposition.

Ayes: Steele, Anderson, Brown, Butler, Skorepa, Stryker, White

The Serra Mesa Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

In July 1997, the Serra Mesa Planning Group requested an update to the 1977 Serra Mesa Community Plan. The group's desire was to have the open space objectives and land use designations revised according to the City's current policies regarding open space preservation, sensitive hillside development, and the Multiple Species Conservation Program (MSCP).

Upon staff review of the request, it was concluded that the plan could be brought up to date by focusing on dated existing conditions and clarifying the open space policies. Staff's effort was focused on using the new Land Development Code open space zones (effective January 1, 2000) to implement the community plan's open space policies.

The existing zones allow for substantial residential development in some areas adjacent to and within community plan designated open space, sensitive hillsides and the Multi Habitat Planning Area of the MSCP in a manner inconsistent with the existing community plan and the MSCP. Several zones within the new Land Development Code are suggested for application to implement the MSCP, protect and preserve steep hillsides and canyons, and implement lower urbanized densities within designated open space areas as the existing community plan prescribed. Application of new Land Development code zones as well as some residential rezonings will provide consistency with the community plan and the MSCP.

The new Land Development Code has eliminated the conditional use permit (CUP) option for hospital uses within single family zones. On this basis, the Serra Mesa Medical Complex Area is proposed to be rezoned commercial office, a zone consistent with the medical office uses to the north, and one that would allow the continued processing of CUPs for hospital uses. This project includes the rezoning of all areas designated Open Space so that the zoning is consistent with the intent of the Serra Mesa Community Plan. It also rezones a 62-acre medical complex where Children's Hospital and Health Center and Sharp HealthCare/Sharp Memorial Hospital are located, from R1-5000 to CO-1-2 to reflect the existing land use and allow their continuation with a Conditional Use Permit. The community of Serra Mesa encompasses approximately 3,000 acres of land centrally located within City of San Diego boundaries, just north of Mission Valley.

FISCAL IMPACT:

None.

FILE LOCATION: SUBITEMS A & B: LAND-Progress Guide and General Plan, Serra Mesa Community Plan (09)
SUBITEMS C & D: NONE

COUNCIL ACTION: (Tape location: A056-100.)

Hearing began at 10:03 a.m. and halted at 10:10 a.m.

CONSENT MOTION BY STALLINGS TO INTRODUCE THE ORDINANCES, AND TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: Mission Hills Commons.

Matter of the appeals of Richard Lepper, Les Sheppard, and Sera Larkins, from the decision of the Planning Commission in approving Tentative Map and Mid-City Communities Development Permit No. 99-0731. The project proposes to demolish the block bounded by West Washington Street, Falcon Street, Fort Stockton Drive, and Eagle Street and to construct 65 residential units (50 apartments, 8 row homes, and 7 residential lofts), to construct approximately 5900 square feet of commercial space, and to consolidate 24 existing lots into three lots for condominiums purposes. The project site proposes deviations for density, setbacks, parking, FAR, minimal commercial area, diagonal plan dimension, off-setting planes, height, number of and distance between driveways, pedestrian access, street yard area, and coverage. Mitigated Negative Declaration No. 99-0731. The proposed project site is a 1.38-acre city block, bounded by West Washington Street, Falcon Street, Fort Stockton Drive, and Eagle Street in the Uptown Community Planning Area. TM-99-0731 (Mission Hills Commons)

(TM/MCCDP-99-0731. Uptown Community Plan Area. District-2)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the permits; and adopt the resolution in subitem C to grant the map:

Subitem-A: (R-2000-1461) ADOPTED AS RESOLUTION R-293136

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND) LDR No.-99-0731 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Mitigated Negative Declaration reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered prior to approving the project; and adopting the Mitigation, Monitoring, and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-1537) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-293137

Adoption of a Resolution granting or denying Mid-City Communities
Development Permit No. 99-0731.

Subitem-C: (R-2000-1538) GRANTED MAP, ADOPTED AS RESOLUTION
R-293138

Adoption of a Resolution granting or denying Tentative Map No. 99-0731, with
appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to approve staff's recommendation with conditions; was
opposition.

Ayes: Brown, Butler, Skorepa, Steel

Abstaining: White

Not present: Anderson, Stryker

On November 2, 1999, the Uptown Planners Community Planning Group voted 10-0-1 to
recommend approval of the project as presented, reserving concerns with the ingress and egress
on Fort Stockton Drive. The Uptown Planners asked that the City work with the developer to
mitigate these traffic circulation concerns.

On April 13, 2000 a letter was received from the Uptown Planners listing three additional
recommendations. The letter listed the group's support of Pedestrian Pop-Outs at the corners of
Falcon and Eagle Streets with West Washington Street; support of a nonstandard nine-foot Curb
to Property Line Distance along West Washington Street, and support of a right turn-in/right
turn-out only restriction for the driveway access to the apartment parking garage from Fort
Stockton Drive.

SUPPORTING INFORMATION:

The proposed project site is a 1.38-acre city block, bounded by West Washington Street, Falcon
Street, Fort Stockton Drive, and Eagle Street in the Uptown Community Planning Area. The site
is subject to the regulations of the Mid-City Communities Planned District Ordinance (MCPDO).
The site is zoned CN-2A (Commercial Node) on the southern portion of the block fronting
Washington Street and MR-1000 (Multi-Family Residential, one dwelling unit per 1,000 square
feet) on the rest of the block fronting Falcon Street, Fort Stockton Drive, and Eagle Street.
Surrounding land uses are residential to the north and east, across Fort Stockton Drive

and Eagle Street, and commercial to the west and south across Falcon and West Washington Streets. The Uptown Community Plan land use designation for the site is Medium-High Density Residential (29-44 dwelling units per acre) on the portion of the site zoned MR-1000, and Mixed Use on the portion zoned CN-2A.

The project proposes a Tentative Map to create three lots, one of which (eight Rowhomes on Lot Two) will be used for condominium purposes, and to construct 65 residential units (50 Apartments, eight Rowhomes, and seven Residential Lofts and approximately 5,900 square feet of commercial space. The applicant proposes three developments within the block which their proposal titles Retail/Lofts, Rowhomes, and Apartments. The seven Retail/Residential Lofts and 50 Apartments would be rental units, with the eight Rowhomes developed for the purpose of future resale. The project proposes to develop approximately 5,900 square feet of commercial space in two buildings, with the seven residential units above in Retail/Residential Lofts on Lot One, the eight Rowhomes on Lot Two, and the 50 Apartments on Lot Three.

The 65 residential units will be made up of one, two and three bedroom units. The Apartments on Lot Three will be 25 one-bedroom units and 25 two-bedroom units; the eight Rowhomes on Lot Two will each be three-bedroom units, and the seven Residential Lofts, above the Retail use on Lot One, will all be one-bedroom units. Each product type is architecturally different in style, material, details, and layout. Parking for the 50 Apartments will be in an enclosed garage, with access being taken off of Fort Stockton Drive. The Rowhomes have private garages with individual garage doors facing Eagle Street. Parking for the Retail/Residential Lofts will be in the parking lot north of and behind the Retail/Residential Loft units along Washington Street. The parking lot will have vehicle access from both Eagle and Falcon Streets.

FISCAL IMPACT:

None. The processing of this application is being paid by the applicant through a deposit account.

LEGAL DESCRIPTION:

The project site is a 1.38 acre city block, identified as Mission Hills Block 53 and located at 700 West Washington Street and is more particularly described as lot 1 to 24 inclusive of Block 53 of Arnold and Choate's Addition, according to Map No. 334.

FILE LOCATION: SUBITEMS A, B, & C: PERM 99-0731 (65)

COUNCIL ACTION: (Tape location: A400-C290.)

Hearing began at 10:32 a.m. and halted at 11:40 a.m.

Testimony in opposition by Richard Lepper, Les Sheppard, James Pinon, Norma Corey, Sandra Corey, Joan Crone, Kathleen Pinon Cassidy, Carmen Sandmeyer, and Sera Larkins.

Testimony in favor by Reese Jarrett, Brad Forrester, Ted Garrett, Patricia Leone, and Paul Sloman.

MOTION BY WEAR TO ADOPT, GRANTING THE PERMIT AND THE MAP.
Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-not present.

ITEM-333: Addendum to the Mesa Shopping Center East Cost Reimbursement District Agreement.

(Continued from the meeting of 5/01/00, Item 100, at the City Manager's request, to allow time to discuss legal matters.)

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1160) CONTINUED TO JUNE 19, 2000

Authorizing the City Manager to accept the Addendum to the Mesa Shopping Center East Cost Reimbursement District Agreement dated 1999;

Re-affirming that a factually sustainable proportionality exists between the June 23, 1992, amendment to the Mesa Shopping Center East Cost Reimbursement District and the benefit to the Abrams/Bohannon property.

CITY MANAGER SUPPORTING INFORMATION:

The Mesa Shopping Center Cost Reimbursement District was established on February 13, 1990, R-275163. The District was formed to allow the developer, Mesa Shopping Center East, to capture the costs of installing the public infrastructure improvements which are of benefit to others. Revised estimates for right-of-way costs and sewer and drainage improvements resulted in an amendment to the Abrams/Bohannon lien. The lien was increased by Council from \$570,948 to \$998,299, R-276554, dated September 18, 1990. Due to increased right-of-way costs and an increase in overall improvement costs the Abrams/Bohannon lien was increased by Council from \$998,299 to \$1,543,500, R-280212, dated June 23, 1992.

This Addendum to the Mesa Shopping Center Cost Reimbursement District establishes the proportionality between the increased costs assessed the Abrams/Bohannon property and the benefit received by the property from the installed facilities. The addendum identifies the benefits received by the Abrams/Bohannon parcel from the Cost Reimbursement District improvements and the impacts and requirements associated with the potential development. It establishes the essential nexus between the lien and the benefit. The establishment of proportionality and nexus affirm the Mesa Shopping Center Cost Reimbursement District previously established and the distribution of costs of the installed facilities among the benefitting properties.

FISCAL IMPACT:

None. This action would simply reaffirm the increased lien imposed on the Abrams/Bohannon property on June 23, 1992.

Loveland/Goldberg/GH

FILE LOCATION: STRT CR-11 (50)

COUNCIL ACTION: (Tape location: A056-100.)

CONSENT MOTION BY STALLINGS TO CONTINUE THIS ITEM TO JUNE 19, 2000, AT THE REQUEST OF THE CITY MANAGER AND THE PROPERTY OWNERS FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: Market Street (from 43rd Street to 47th Street) Underground Utility District.

(Chollas View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1044) ADOPTED AS RESOLUTION R-293139

Establishing the Market Street (from 43rd Street to 47th Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Market Street (from 43rd Street to 47th Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts.

Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$704,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is the administration and street light replacement. Cost estimated at \$52,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Loveland/Belock/PKB

Aud. Cert. 2000918.

FILE LOCATION: STRT-K-269 (38)

COUNCIL ACTION: (Tape location: A056-100.)

Hearing began at 10:03 a.m. and halted at 10:10 a.m.

Mayor Golding closed the hearing.

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: Orange Avenue (from I-805 to 40th Street) Underground Utility District.
(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1046) ADOPTED AS RESOLUTION R-293140

Establishing the Orange Avenue (from I-805 to 40th Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Orange Avenue (from I-805 to 40th Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a

lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$704,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is the administration and street light replacement. Cost estimated at \$94,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Loveland/Belock/PKB

Aud. Cert. 2000893.

FILE LOCATION: STRT-K-270 (38)

COUNCIL ACTION: (Tape location: A056-100.)

Hearing began at 10:03 a.m. and halted at 10:10 a.m.

Mayor Golding closed the hearing.

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: 30th Street (from University Avenue to Olive Street) Underground Utility District.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1048) ADOPTED AS RESOLUTION R-293141

Establishing the 30th Street (from University Avenue to Olive Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, “Annual Allocation - Undergrounding of City Utilities”, and will underground the overhead utility facilities in the 30th Street (from University Avenue to Olive Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral.

Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$2,160,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is the administration and street light replacement. Cost estimated at \$70,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Loveland/Belock/PKB

Aud. Cert. 2000894.

FILE LOCATION: STRT-K-265 (38)

COUNCIL ACTION: (Tape location: A056-100.)

Hearing began at 10:03 a.m. and halted at 10:10 a.m.

Mayor Golding closed the hearing.

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: Four actions related to Salary Ordinance for FY2000-2001 and Resolutions relating to FY2001 Salary Ordinance.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2000-171) INTRODUCED, TO BE ADOPTED MAY 30, 2000

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2000-2001.

Subitem-B: (R-2000-1285) ADOPTED AS RESOLUTION R-293142

Establishing overtime eligibility of classifications in the Classified Service.

Subitem-C: (R-2000-1286) ADOPTED AS RESOLUTION R-293143

Amending Employee Representation Units to add new classifications and remove deleted classifications from existing appropriate units as established in the Fiscal Year 2000-2001 Salary Ordinance.

Subitem-D: (R-2000-1287) ADOPTED AS RESOLUTION R-293144

Authorizing classifications eligible for the Management Benefits Plan.

FILE LOCATION: SUBITEM A: NONE
SUBITEMS B, C, & D: MEET

COUNCIL ACTION: (Tape location: A225-274.)

MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE AND TO ADOPT THE RESOLUTIONS. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338: Salary Study/Comparison for the position of City Attorney.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1356) ADOPTED AS RESOLUTION R-293145

Adoption of a resolution increasing the annual salary of the City Attorney to \$151,438, effective immediately.

CITY MANAGER SUPPORTING INFORMATION:

During the April 11th City Council discussion of Item 349, the Salary Setting Commission Report on Mayor and City Council Member Compensation, Councilmember Vargas requested that the City Manager perform a Salary Study for the City Attorney position and government agency attorneys. Specific direction was given to include the following: San Diego District Attorney, County Counsel, Port Attorney, City of Chula Vista, and the City Attorneys for Los Angeles, San Francisco, Long Beach, and San Jose. It was determined that after the completion of the study, the City Attorney's salary should be set at the average of those positions. The Manager was directed to return the salary comparison to City Council for consideration and/or action as part of the Salary Ordinance Amendment which will be introduced to the Council on May 16, 2000. The salary study/comparison was conducted jointly by the City's Personnel Department and the Labor Relations Office. The information contained in the salary study was current as of May 3, 2000. The City Attorney serves the City of San Diego as the chief legal advisor and misdemeanor prosecutor as well as providing legal guidance and support to the Mayor, City Council, Council Committees, City Manager, and City departments. The City Attorney manages a staff of 280, which includes 120 attorneys and 160 professional and clerical staff.

FISCAL IMPACT:

Approximately \$20,000.

Herring/Kelley

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C290-D088.)

Motion by Vargas to approve the City Manager's Recommendation to increase the City Attorney's salary to \$151,438 effective immediately. Second by McCarty. No vote taken.

Substitute Motion by Kehoe to direct the City Manager to move the evaluation of the City Attorney's salary to the Salary Setting Commission, and to come back to Council with a recommendation. Second by Stallings. Failed. Yeas-3,5,6. Nays-1,2,4,7,8. Not present-M.

RESTATED MOTION BY VARGAS TO ADOPT THE RESOLUTION TO INCREASE THE ANNUAL SALARY OF SAN DIEGO CITY ATTORNEY CASEY GWINN TO \$151,438 EFFECTIVE IMMEDIATELY. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-nay, Stallings-not present, McCarty-yea, Vargas-yea, Mayor-not present.

MOTION BY VARGAS TO DIRECT STAFF TO:

1. REVIEW DEPARTMENT HEAD SALARIES THAT ARE UNDER THE RESPONSIBILITY OF THE COUNCIL; SPECIFICALLY THE AUDITOR AND THE CITY CLERK.
2. REVIEW COUNCIL POLICY 300-4 IN RULES COMMITTEE.

COME BACK TO COUNCIL WITH AN ANALYSIS REGARDING ONE AND TWO ABOVE WITHIN 30 DAYS. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-339: 2000-2001 Tax Anticipation Notes (TANs) Issuance.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1175) ADOPTED AS RESOLUTION R-293146

Authorizing the City Manager to negotiate an agreement with Public Financial Management to provide Financial Advisory services to the City of San Diego to sell at a public sale short term Tax Anticipation Notes (Notes); authorizing execution of an agreement with Hawkins, Delafield & Wood to provide Bond Counsel and Disclosure Counsel services; approving the Preliminary Official Statement; authorizing the issuance of Notes in FY 2000-2001; and authorizing the City Manager to accept the final terms of the Notes based on bids received.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A056-100.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340: Lease Modification No. 9 - Naval Training Center.

(Point Loma and Peninsula Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1358) ADOPTED AS RESOLUTION R-293147

Authorizing the City Manager to execute Modification No. 9 to Lease No. N6871196RP06P07 with the United States of America, Department of the Navy, for extending the term of the Master Lease to April 30, 2002.

CITY MANAGER SUPPORTING INFORMATION:

The City Manager has negotiated a ninth modification to the Master Lease with the Navy which will extend the term of the agreement from April 30, 2000 to April 30, 2002, or until the remaining Naval Training Center (NTC) parcels are conveyed to the City, whichever occurs first.

FISCAL IMPACT:

Fund 10522, Account 75699, NTC has been established from lease revenues if any unforeseen costs are associated with this action.

Loveland/Griffith/CBK

FILE LOCATION: LEAS-United States of America, Department of the Navy
(67)

COUNCIL ACTION: (Tape location: A056-100.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341: Cost Reimbursement District Agreement between Pardee Construction Company and the City of San Diego.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-961) ADOPTED AS RESOLUTION R-293156

Establishing the Carmel Valley Neighborhood #10 Cost Reimbursement District as shown on Plat Number 4091;

Authorizing the City Manager to execute a Cost Reimbursement Agreement with Pardee Construction Company;

Approving the public improvements eligible for reimbursement, the determination of excess costs to be reimbursed, and the apportionment of the excess costs to the parcels within the Cost Reimbursement District as set in the Engineer's Report for the Carmel Valley Neighborhood 10 Cost Reimbursement District, including limiting the term to twenty years for when the assessed costs are due and payable;

Accepting a cash advance in the amount of \$11,000 from Pardee Construction Company; and authorizing the expenditure of the \$11,000 from Fund 720221, for the purpose of providing for City administrative costs.

CITY MANAGER SUPPORTING INFORMATION:

Pardee Construction Company submitted an application requesting that the City initiate proceedings for the formation of Carmel Valley Neighborhood 10 Cost Reimbursement District (CRD). The public improvements for which the developer is seeking reimbursement include surface improvements and underground utility construction for portions of Carmel Country Road, Carmel Mountain Road, and Street A. On August 2, 1999, the City Council authorized the execution of a District Formation Cost Agreement with Pardee Construction Company, the developer of Carmel Valley Neighborhood 10. Pardee will construct the improvements mentioned above. They are seeking partial reimbursement from owners of other properties which receive benefits from the improvements. The improvements are required as part of the Carmel Valley Community Plan and were included in the Carmel Valley Neighborhood 10 tentative map conditions (TM-93-0141). The improvements being constructed by Pardee will benefit other properties, and it is proposed that the cost of the improvements be spread to those properties based on the benefits they receive. The total estimated cost of the improvements is \$19,722,664. Of this amount, Pardee is responsible for \$17,125,247, and the remaining \$2,597,417 is the responsibility of other benefitting properties upon development.

FISCAL IMPACT:

The developer has advanced an additional \$11,000 for City administrative services. Ninety one thousand (\$91,000) has previously been authorized for the payment of Engineering Consultant services (\$71,800) and City administrative services (\$20,000).

Culbreth-Graft/Haase/SL

Aud. Cert. 2000795.

ENVIRONMENTAL IMPACT:

This project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-CR-27 (50)

COUNCIL ACTION: (Tape location: F444-459.)

Hearing began at 3:22 p.m. and halted at 3:23 p.m.

Deputy Mayor Mathis closed the hearing.

MOTION BY WEAR TO ADOPT. Second by Stallings. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

CLOSED SESSION ITEM:

ITEM-CS-1: (R-2000-1412) ADOPTED AS RESOLUTION R-293152

A Resolution adopted by the City Council in Closed Session on May 16, 2000:

Authorizing the City Manager to pay the sum of \$60,000 in settlement of each and every claim against the City, its agents and employees, for the settlement of a personal injury claim resulting from a automobile accident which occurred on February 5, 1999; authorizing the Auditor and Comptroller to issue one check in the amount of \$60,000 made payable to the Client Trust Account of Nicholas J. Drakulich, Esq., in full settlement of all claims in this matter.

Aud. Cert. 2001131

FILE LOCATION: MEET

ITEM-CS-2: (R-2000-750) ADOPTED AS RESOLUTION R-293153

A Resolution adopted by the City Council in Closed Session on May 16, 2000:

Authorizing the City Manager to pay the sum of \$23,104.93 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the personal property damage claim of Joseph McHugh, et al; authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$14,277.01 made payable to Interinsurance Exchange of the Automobile Club; and one in the amount of \$4,216.26 made payable to Semptra Energy, as the complete and final settlement of the property damage claim which occurred on March 31, 1999.

Aud. Cert. 2000571

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mathis at 3:24 p.m. in honor of the memory of:

Shirley Jacobs as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F460-464).